

September 8, 2005

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L04P0009**
Proposed Ordinance No. **2005-0218**

VILA REAL
Preliminary Plat Application

Location: Between Southeast 200th Street and Southeast 204th, and between
110th Avenue Southeast (if extended) and 114th Avenue Southeast
(if extended), West of Panther Lake

Applicant: Vila Real LLC, *represented by*
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And

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King County: Department of Development and Environmental Services, *represented by*
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SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:

Department's Final Recommendation:

Examiner's Decision:

Approve, subject to conditions

Approve, subject to conditions

Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:

June 9, 2005

Hearing Closed:

August 26, 2005

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:**1. General Information:**

Developer:	Brian Ross Vila Real LLC/Yarrow Bay Development 825 Fifth Avenue, Suite 202 Kirkland, WA 98033 425-202-3675
Engineer:	Triad Associates 11814 115 th Ave NE Kirkland, WA 98034 425-821-8448
STR:	5-22-5
Location:	The site is located between SE 200 th St., and SE 204 th St, west of Panther Lake
Zoning:	R-8-SO & R-12-SO
Acreage:	20.84 acres
Number of Lots:	128
Density:	Approximately 6 units per acre
Lot Size:	Approximately 3500-5700 square feet in size
Proposed Use:	Single Family Detached Dwellings
Sewage Disposal:	Soos Creek Sewer and Water District
Water Supply:	Soos Creek Sewer and Water District
Fire District:	King County Fire District No. 37
School District:	Kent School District
Complete Application Date:	July 1, 2004

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 9, 2005, public hearing are found to be correct and are incorporated herein by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Vila Real LLC-Yarrow Bay Development has submitted a preliminary plat application to divide 20.84 acres into 128 lots for single family residential development. The proposal encompasses the redevelopment of five rural residential properties located west of Panther Lake and east of SR 515 (aka, 108th Avenue Southeast and the Benson Highway). 18.06 acres of the Vila Real

property are zoned R8 and the remaining 2.7 acres are zoned R12. A complete preliminary plat application was filed July 1, 2004; the proposal is therefore vested to county regulations in effect prior to the adoption in late 2004 of a new Critical Areas Ordinance and the 2005 Surface Water Design Manual. The property is subject to a special district overlay pursuant to KCC 21A.38.230 for the retention of significant trees. A determination of non-significance under SEPA was issued for Vila Real on May 6, 2005 and appealed by King County Fire District #37. Fire District #37 has settled with the applicant and withdrawn its SEPA appeal.

4. Vila Real is the latest in a series of proposals for urban development near Panther Lake that have elicited significant public opposition. The neighborhood concerns that underlie this opposition involved primarily potential drainage impacts to Panther Lake and its downstream conveyance system, loss of habitat values within Panther Lake and its immediate environs, and the inadequacy of the road system serving the area. The current zoning for the area acknowledges these issues to some extent by creating an urban separator of R1-SO zoning along the eastern and northern sides of Panther Lake and at its southern tip. The zoning on the west side of Panther Lake, however, is governed by its proximity to SR 515 and its highway commercial development, thus resulting in the elevated densities that apply to the Vila Real property. There is no doubt that the higher R8 and R12 densities will result in the abrupt and rather incongruous conversion of former rural properties to relatively high urban residential densities. But as pointed out by the Applicant's attorney, the situation could be even worse. The maximum density permitted on the Vila Real site is 175 units and the minimum is 106 units. At 128 lots the Vila Real proposal is closer to the minimum than to the maximum.
5. The preliminary plat hearing opened on June 9, 2005 and some exhibits and testimony were received at that time. It was then continued by Hearing Examiner Pro Tem James O'Connor for the performance of a site cultural assessment. The required study was prepared by the consulting firm of Jones and Stokes and submitted to DDES on July 25, 2005. It documented a survey of the project site to assess evidence of significant prehistoric Indian artifacts and also the historical value of the buildings on the five rural residential properties slated for removal. The Jones and Stokes study concluded that the buildings on the Vila Real properties do not contain valuable historic materials and, to the extent that they may have embodied distinctive characteristics of an earlier period or era, they do not retain sufficient integrity to warrant preservation. The buildings are empty and have been vandalized.
6. The event that precipitated the requirement for a cultural assessment of the Vila Real site was the reported discovery of a quartzite Indian spear point on the adjacent property to the east by its owners, Robert and Valarie Matinjussi. This discovery, along with that of two round stones which could possibly be net sinkers, raised the question of whether the Vila Real site could be the location of a significant archeological resource. The Jones and Stokes firm conducted a pedestrian survey of the site and dug some 27 holes to explore sub-surface conditions. The study reported encountering no prehistoric materials. The report contains the following summary description of its conclusions:

“There is little doubt that the Panther Lake area was visited and utilized by the region's prehistoric and ethnographic hunter-fisher-gatherers. What is in question is the preservation of any artifactual material that resulted from their encounter. Obviously the presence of a projectile point found on the Matinjussi property indicates that indigenous people at least visited the lake. But with no previously recorded archeological site in the area, no suggestion of an ethnographic place name associated with Panther Lake, and no archeological material found on the surface or in the inspected subsurface sample during

our pedestrian survey, the likelihood of a prehistoric, ethnographic or ethnohistoric village/settlement within the APE is extremely low.” (Exhibit no. 35, page 28)

7. Notwithstanding the conclusions contained in the Jones and Stokes report, the debate as to the archeological significance of the Vila Real site continued at the public hearing, including a lively discussion as to whether the two round stones were indeed net weights or simply interesting rocks, and whether fragments of charcoal and bone observed in one of the test pits should be regarded as items of prehistoric archeological significance. Jason Cooper, who performed the archeological reconnaissance on behalf of Jones and Stokes, contended that the stones did not display clear evidence of purposeful human manipulation, that the bone fragment appeared to be derived from a domestic animal, and that the charcoal fragment was likely of recent origin. DDES staff amended its recommended conditions to require both archeological review if further materials are unearthed during site development and an archeological examination of the bone fragment. Based on the sporadic and inconclusive nature of the materials produced thus far and the absence of evidence that a major Indian site existed anywhere in the area, these conditions are appropriate under the circumstances.
8. As testified to by numerous area residents, there is no question that Panther Lake provides important wildlife habitat values to a variety of water fowl, amphibians, raptors, herons and owls. While not formally mapped within the county’s wildlife network, there is no doubt that the aforementioned belt of lower density urban separator properties connects Panther Lake with other wildlife habitat resources and provides some wildlife corridor functions. The only portion of Vila Real that actually borders Panther Lake is its easternmost arm which possesses about 250 feet of lake frontage. This lake frontage is presently heavily wooded and will be protected against disturbance under the Sensitive Areas Ordinance to a width of 115 feet based on a 100-foot lake buffer plus a 15-foot building setback line. The aerial photos of the site show that the width of forest vegetation on Vila Real adjacent to Panther Lake currently extends beyond the protected buffer into the proposed Tract B storm water and recreation area. Site clearing and development will remove approximately one half acre of existing tree vegetation adjacent to the lake buffer.
9. Concern was also expressed that there may be a bald eagle nest located north of Panther Lake near Southeast 196th Street and that development of Vila Real might adversely impact this nest. This purported nest site does not appear on any official data base. Environmental consultant Jim Kelly testified that he inspected the tree and concluded that the dense material observed by area residents was a natural vegetation mass and not an eagle nest. More critically this tree, even if it does host an eagle nest, is more than 1,200 feet removed from the northeast corner of the Vila Real site and therefore unlikely to be impacted by Vila Real development, especially since it appears to tolerate nearby traffic along Southeast 196th Street with equanimity. Similarly, the discovery by the Matinjussi’s of a two year old injured juvenile bald eagle on their property does not imply the necessity of a nearby nest since juvenile eagles are known to have a range of many hundreds of miles.
10. A Class 2 forested wetland comprising 2.11 acres onsite lies in the southwestern portion of the property and will be placed in a sensitive areas tract with a 50 foot protective buffer. In 2002 it appears that the southern portion of this wetland was illegally cleared and filled, and a county code enforcement action was initiated to remedy this violation. A restoration plan has been approved and implemented. While the Matinjussis have questioned the adequacy of this remediation, review of the code enforcement action is not within the ambience of this proceeding. Any issues regarding the adequacy of remediation should be taken up with the grading and enforcement officials directly involved.

11. It also appears that beginning in spring of 2004 a network of trenches and french drains were installed north of the wetland and near the plat's eastern boundary. Neighborhood residents have expressed concern that this piping may be intercepting ground water destined for the on-site wetland, and the Matinjussis claim that a wetland on their property near the plat's eastern boundary is being dewatered. The Mainjussis also expressed concern that the french drains might compromise the accuracy of the drainage basin calculations for the plat property.
12. While there is no question that the purpose of french drains is to reduce ground water levels, DDES Environmental Scientist Jon Sloan testified that the french drain system lies outside sensitive areas boundaries and would likely have a minimal ground water impact to the on-site wetland. Further, the drainage calculations for the property are based on topographical mapping and the standard runoff coefficients assigned to different kinds of surfaces. The minor diversion of ground water from one part of the site to another has no effect on drainage calculations. The applicant will be required to maintain the hydrology of the Tract E wetland based on its pre-disturbance configuration, as demonstrated at final engineering review. Moreover, the long term practical effect of the french drain system will be negated by the fact that the entire system of piping will need to be removed for plat development. On a related matter, the Matinjussis have consented to allowing applicant and staff wetland scientists to enter their property to determine whether a wetland exists near their western property line that requires a sensitive areas buffer extending onto Vila Real.
13. A second ground water and piping issue was raised by neighborhood residents who receive domestic water from the Panther Lake Water System, which apparently operates a well west of the site that employs water pipes that cross the northern portion of Vila Real. No documentation regarding the location or depth of either the well or the pipe system was introduced to the record, so the discussion of potential impacts necessarily remained speculative. Vila Real LLC provided a letter to area residents George Billings and Thomas Strom dated May 24, 2005 indicating its "intent to maintain in operation the Panther Lake Water System" on the Vila Real property.

Vila Real is not within a mapped critical recharge area and the site's geotechnical investigations indicate that the property is underlain by a thick glacial till layer. These facts strongly suggest that Vila Real does not provide significant recharge to the Panther Lake Water System well. Descriptions by system users that the well water tests very high for purity also suggest that the well probably taps into a deep aquifer beneath the till layer because shallow wells almost never demonstrate good water quality. There should be somewhere in the Vila Real property documents a recorded easement for the water system pipeline; a condition will be added to the decision requiring investigation of the easement's location and protection of the water system pipeline.

14. The discussion of potential water quality impacts resulting from development of Vila Real raised a question as to whether either the on-site wetland or Panther Lake itself contains a bog element. While surface water runoff discharges from Vila Real are expected to require basic water quality treatment, the existence of a wetland bog within the downstream system would necessitate a higher level of treatment including use of a sand filter. Neither the project's wetland inventory nor a follow-up site inspection by botanist Jim Kelly disclosed the existence within the on-site wetland of vegetation indicative of a sphagnum bog wetland; therefore the evidence is rather clearly that the on-site wetland does not contain a bog component.
15. A well-researched letter from area residents Candi and William McKay disclosed that Panther Lake was discussed in a 1956 State Department of Conservation publication, "Peat Resources of Washington", authored by George B. Rigg. We take official notice that this publication describes a sub-surface peat deposit that surrounds Panther Lake. (Rigg, George B., "Peat

Resources of Washington”, Washington Division of Mines and Geology Bulletin No. 44, 1956, page 84). This documentation would appear to establish that at some past time Panther Lake did in fact support bog vegetation.

16. The fact that bog vegetation existed in the distant past sufficient to create a subsurface peat deposit does not demonstrate that Panther Lake currently supports wetland bog vegetation. Although no systematic survey of the lake has been performed, no one has reported observing growths of sphagnum moss, Labrador Tea, bog laurel, cranberry or other typical wetland bog plants. More critically, the present hypereutrophic state of Panther Lake argues strongly against the likelihood that there is a surviving wetland bog community. Bog lakes typically require low nutrient values whereas lakes become hypereutrophic due to high nutrient concentrations. Therefore, the likelihood that a wetland bog community remains viable within Panther Lake appears to be fairly remote. Nonetheless, a more systematic investigation of the presence of bog vegetation should be made, and a condition will be added to the decision requiring such action.
17. If no downstream wetland bog component is identified within Panther Lake, surface water runoff from Vila Real will be subject to a basic water quality treatment menu targeted to remove 80% of total suspended solids. Given the lake’s current hypereutrophic status, discharges from Vila Real are unlikely to make lake water quality either better or worse. At this point in its evolution, Panther Lake’s status is primarily driven by its shallow depth, heavy levels of macrophytic vegetation, poor water clarity, fluctuating levels of dissolved oxygen and anaerobic release of phosphorous from the decaying vegetative layer on the lake’s bottom. While creation of a lake management plan could perhaps hope to slow or reverse this process, it would require the voluntary cooperation of all property owners within the watershed. Responsibility for creation of a lake management plan is not an appropriate burden to be placed upon a single development comprising a relatively small percentage of the watershed area.
18. Vila Real will discharge its surface water flows to Panther Lake. As noted previously, the Panther Lake downstream system, including the lake itself and Panther Creek north to the 36 inch culvert crossing under SR 515, is chronically afflicted with flooding problems. Two recent plats located north of Southeast 196th Street, Panther Meadows (L99P3016) and Morrills Crossing (L03P0032), focused their analysis on the performance of Panther Creek between Southeast 196th Street and SR 515. This section of creek features an adverse gradient and experiences considerable sediment buildup. In 2003 a county project removed sediment from this section as well as a hump within the underlying substrate. It is generally agreed that this work plus a new culvert system along the north side of Southeast 196th Street improved the capacity of the Panther Creek segment between Southeast 196th Street and SR 515. Some further analysis of this downstream section was performed within the Triad Associates level 1 and level 3 downstream analyses for Vila Real, which concluded that the existing channel does not generate sufficient head to push flows through the 36 inch culvert beneath SR 515 unless a second culvert of equal or greater size is installed.
19. While the drainage system description within the Triad report characterized the Panther Creek outlet channel from the lake north to Southeast 196th Street as “heavily vegetated” and subject to “repeated flooding problems” due to “sedimentation and vegetation of the outlet channel,” the record contains no serious attempt to assess the dynamics of this previously unanalyzed segment of the downstream system. A December 2001 aerial photograph of Panther Lake flooding that is attached both to the McKay letter (exhibit no. 30) and that of area resident Ollie Burton (exhibit no. 47) graphically demonstrates what occurs when Panther Lake floods. The flood waters spread directly north of the lake across Mr. Burton’s pasture and in extreme cases may also flood properties north of Southeast 196th Street. In the flood condition the artificial stream channel lies on the western edge of the flooded area and is largely bypassed. Reconveyance of flood waters

back to the stream channel becomes dependent upon the ditch and culvert system adjacent to Southeast 196th Street. Under the 1998 Surface Water Design Manual, the chronic flooding of Panther Lake and its outlet stream has been denominated by staff as a type 3 severe flooding problem.

20. On February 17, 2005 a surface water adjustment was approved for Vila Real to divert flows from sub-basin B at the south end of the property and from the adjacent Southeast 204th Street road improvements and to convey them to the Tract B vault which will discharge to Panther Lake. Somewhat remarkably, the adjustment decision did not undertake to discuss the effects of diverting greater surface water volumes to Panther Lake or even identify such effects as an issue to be addressed. This is probably because the adjustment imposes level 3 flow control for Vila Real, and under the 1998 Manual level 3 flow control is considered a panacea for nearly all conveyance problems.
21. Table 1.2.3.A of the 1998 SWD Manual summarizes the mitigation requirements for downstream conveyance problems, including the type 3 severe flooding problem. Note 1 to the table contains the following statement: “Use of the Level 3 flow control standard satisfies the specified performance criteria for all the area-specific and problem-specific requirements except if adjustments are required per the special provision for closed depressions described below in Note 5.” Note 5 specifies that if a project discharges to a closed depression which experiences a severe flooding problem and the total of impervious surface area contained in the project equals “10% of the 100-year water surface area of the closed depression,” then the applicant is required to use a point of compliance analysis “to verify that water surface levels are not increasing for the return frequencies at which flooding occurs, up to and including the 100-year frequency”.
22. There is no evidence that an analysis has been performed to determine whether Panther Lake should be regarded as a closed depression under the 1998 SWD manual. A similar issue raised within the Panther Meadows review by project opponents was focused on the Panther Creek channel north of Southeast 196th Street. The definition section of the 1998 Manual states that “**closed depression** means an area which is low lying and either has no surface water outlet, or has such a limited outlet that during storm events the area acts as a retention basin, with more than 5,000 square feet of water surface area at overflow elevation.” This definition does not require a finding that Panther Lake has no outlet at all but rather whether its limited outlet results in the lake acting as a retention basin. At 32 acres it is clear that Panther Lake meets the 5,000 square feet minimum water surface area requirement, and with 9.94 acres of impervious surfaces draining to the lake, it seems likely that Vila Real’s impervious area equals at least 10% of the 100 year water surface area of the closed depression. Looking at the December 2001 flooding photograph and plotting the flooded areas onto a vicinity map suggest that the 100-year flood area for Panther Lake likely occupies about 70 acres.
23. The 1998 Manual contains no guidance for determining when the “limited outlet” requirement for the closed depression analysis has been met. In terms of the efficacy of the level 3 flow control mitigation requirement, one could argue that the limited outlet standard is met whenever the duration of a project’s level 3 flow discharge is exceeded by the duration of the type 3 flooding condition within the putative closed depression. While nothing within the Manual specifically supports this interpretation, section 1.2.2.2 does acknowledge that lengthy flood durations create a situation where the impact of increased volumes from urbanization overcome the benefit attributed to a low rate of discharge pursuant to level 3 flow control:

“When a problem is caused by high water surface elevations of a volume-sensitive water body, such as a lake, wetland, or closed depression, aggravation means the same for problems caused by conveyance overflows. Increasing the volume of flows to a volume-

sensitive water body can increase the frequency of the problem's occurrence. Increasing the duration of flows for a range of return frequencies both above and below the problem return frequency can increase the severity of the problem; mitigating these impacts requires control of flow durations for a range of return frequencies both above and below the problem return frequency. The net effect of this duration control is to release increased volumes due to development only at water surface elevations below that causing the problem, which in turn can cause an increase in these lower, but more frequently occurring, water surface elevations. This underscores an unavoidable impact of development upstream of volume-sensitive water bodies: increased volumes generated by the development will cause some range of increase in water surface elevations, no matter what detention standard is applied."

24. Fortunately the revisions contained within the 2005 Surface Water Design Manual reduce the ambiguity inherent in the 1998 "closed depression" definition with regard to determining when a limited outlet should be found to exist. The new Manual adds the following statement to the "closed depression" definition:

"The primary loss of water volume from a closed depression is to evapotranspiration and discharge into the ground rather than surface flow."

According to the revised definition, for regulatory purposes a closed depression exists when the totality of water volume loss through evaporation and infiltration exceeds the surface outflow. The only potential ambiguity remaining under the new definition inheres in determining at what point this water loss budget is to be calculated. Since the main part of the definition is focused upon the status of the closed depression at overflow elevation, one assumes that the water loss evaluation should be made at that point as well.

In the absence of conflicting language within the 1998 Manual, the 2005 definition of "closed depression" should be used for the 1998 Manual analysis, and a condition has been added to the decision that requires determination of whether Panther Lake operates as a closed depression based on its water budget at overflow elevation. If it is a closed depression, then the possibility of improving the outlet channel between the lake and Southeast 196th Street should be investigated; if it is not a closed depression, then the 1998 Manual provides that level 3 flow control is conclusively presumed to be adequate downstream conveyance mitigation.

25. Tract B on the eastern extremity of Vila Real is projected to be slightly larger than 34,000 square feet and will contain both the plat's detention and water quality treatment vault as well as a recreation tract above. Tract B will lie outside the 100 foot buffer for Panther Lake required under the Sensitive Areas Ordinance and will be separated from the buffer by a fence. Some neighborhood residents have questioned whether the vault and recreation uses are compatible, but county regulations allow this combined use to occur and the drainage facilities intruding into the recreation area will be limited to an access manhole to the vault and some venting. Since the subdivision requires nearly 50,000 square feet of recreation space, the applicant proposes to meet the remainder of the requirement by construction of some 20,000 square feet of perimeter trail within Tract D that will border on the Tract E wetland and provide a pedestrian linkage between the Road C and Road F neighborhoods and to Road D which accesses the Tract B facilities.
26. The Vila Real recreational facilities are somewhat marginal. Tract B, which will feature the active recreation facilities, is not centrally located. With respect to Tract D, while the requirements of KCC 21A.14.180 contemplate the existence of "trail segments" within recreation areas, it is not altogether clear that the intent of the ordinance is met by a tract that consists of nothing but trail. In order to meet minimum qualifications, Tract B should provide some benches

for seating and, to the extent feasible, upgrade the Tract E buffer by removing invasive vegetation such as blackberries and replacing them with native plantings. In this way some eventual passive recreational value can be achieved within Tract B.

27. Although a discussion of traffic impacts within the staff report is unfortunately absent, the underlying analysis appears to have been done and the staff's conclusions are reasonable under the circumstances. The plat is accessed from SR 515 by Southeast 200th Street on the north and Southeast 204th Street on the south. Both streets are short roads that dead end on Panther Lake and have historically been configured for low level rural use. Some upgrades have previously occurred on Southeast 200th Street at the SR 515 intersection, where recent apartment and condominium development has resulted in installation of a traffic signal. Southeast 204th Street, on the other hand, remains entirely rural in character. According to the Washington Department of Transportation, it will never be signalized due to low volumes and the fact that both Southeast 200th Street to the north and Southeast 208th Street to the south are already controlled intersections. As a consequence left turns from Southeast 204th Street westbound onto SR 515 are now and will continue to be difficult to make during commuter rush hours, with left turning movements operating at level of service F during both the AM and PM peaks.
28. With a signal already installed at the SR 515/Southeast 200th Street intersection, the bulk of traffic from Vila Real is projected to use the northern access route. It is also anticipated that some existing traffic within the neighborhood along Southeast 204th Street will in the future divert through Vila Real to take advantage of the signal at Southeast 200th Street. Because of the large volumes of north/south project traffic along SR 515 passing through the Southeast 204th Street intersection, it will technically violate the county's Intersection Standards due to the level of volumes and the impaired left turning condition. WSDOT, the agency with jurisdiction over SR 515, has determined that no signal at Southeast 204th Street is warranted, so this LOS F will not be remedied. But since the number of left-turning vehicles at SR 515/Southeast 200th Street is very small, the level of service problem is more symbolic than real.

Vila Real will, however, construct upgrades to both Southeast 204th Street and Southeast 200th Street both on-site and west of the plat boundary to further improve these roadways for urban traffic usage. Vila Real will also make walkway improvements along the north side of Southeast 196th Street to accommodate school children who walk to school. While some residents along Southeast 204th Street would prefer that all Vila Real traffic be directed north and no roadway connection be made to the south, such a design would violate the King County Road Standards requirements for cul-de-sac length and number of lots located on a single access roadway. It also would be inconsistent with county Comprehensive Plan policies supporting neighborhood connectivity. Vila Real will also contribute traffic volumes to existing high accident locations on SR 515 both north and south of the site, but since these problems are scheduled for improvement under already funded state projects, WSDOT has only requested a relatively nominal monetary contribution from this applicant.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible

with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for Vila Real as revised and received on March 2, 2005 is approved, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 and R-12 zone classifications. All lots shall meet the minimum dimensional requirements of the R-8 and R-12 zone classifications or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environment Services.

Any/all plat boundary discrepancies shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

4. The existing well(s) and septic systems shall be abandoned per DOE standards and King County Health Department. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
6. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

8.
 - a. A drainage adjustment (V04V0095) was approved for this subdivision. All conditions of approval for this adjustment shall be met upon submittal of the engineering plans. Note that Level 3 Flow Control is required for the proposed stormwater detention facilities.
 - b. The existing system of french drains and drainage pipes shall be removed with the development of this project as shown on the preliminary grading and utility plan received March 2005. Notes to this effect shall be shown on the engineering plans.
 - c. Prior to final engineering plan approval an investigation of Panther Lake wetland vegetation shall be performed to determine if a bog component exists within the downstream flow path for the plat. If the plat will discharge surface runoff to a sphagnum bog wetland plant community greater than 0.25 acres in size, such runoff shall be treated pursuant to the sphagnum bog protection menu.
 - d. Prior to final engineering plan approval Panther Lake shall be analyzed to determine whether it is a closed depression. This determination shall be based on whether the project's impervious surface area will constitute at least 10% of the 100-year surface water area of Panther Lake, and whether at overflow elevation more water loss from Panther Lake occurs through evapotranspiration and discharge into the ground than from outflow through Panther Creek. If Panther Lake is found to be a closed depression, improvement of the Panther Creek outlet channel shall be provided by the applicant to the extent necessary to avoid aggravating the flooding problem as a result of greater post-development flow volumes from the project; provided that, DDES may waive this requirement if it determines such improvements are infeasible due to permitting or property access restrictions.
9. The following road improvements are required to be constructed according to the 1993 King County Road Standards (KCRS):
 - a. FRONTAGE AND OFFSITE, SE 204th Street: The frontage along Southeast 204th Street shall be improved to the Urban Subcollector standard on the north side. The south side of the frontage shall be improved with a minimum 11 foot driving lane in general conformance with the conceptual improvement plan received Nov 12, 2004.

To the west of the subdivision boundary, these improvements shall be continued as a 22-foot wide roadway in general conformance with the above conceptual roadway improvement plan, to the intersection of 108th Avenue SE (aka Benson Highway). In addition, the Applicant shall provide a minimum five (5) foot wide walkway along one side of the roadway. The precise design of the walkway will be determined during engineering plan review, including any appropriate means of providing a physical separation: including an extruded/mountable curb or raised walkway, between the path and the westbound travel lane.

- b. FRONTAGE AND OFFSITE Southeast 200th Street: The frontage shall be improved to the Urban Neighborhood Collector Standard on the south side. The north side of the frontage shall be improved with a minimum 11 foot driving lane in general conformance with the above conceptual road plan.

To the west of the subdivision boundary, these improvements shall be continued as a minimum 27-foot wide roadway plus walkway in general conformance with the above conceptual road plan. This improvement shall include a minimum 5ft wide paved walkway on one side from the west subdivision boundary to 108th Ave SE.

If the improvements to SE 200th Street, to be constructed in conjunction with DDES File B03L2215 (Country Squire Apartments expansion), are scheduled for construction (or have been constructed) at the time of submittal of engineering plans for the Vila Real plat, then this Applicant shall only improve those off-site portions between the subdivision boundary and the east end of the SE 200th Street improvements constructed by the Applicant of B03L2215.

- c. OFF-SITE SCHOOL WALKWAY, Southeast 196th Street shall be widened along the north side of the roadway, from 108th Avenue SE to the westerly end of the frontage improvements for the plat of PANTHER MEADOWS (L99P3016, now known as RIDGE AT PANTHER LAKE). This off-site walkway shall be constructed (at a minimum) as a minimum five (5)-foot wide paved shoulder separated from vehicular traffic by an extruded or mountable curb, unless otherwise approved by DDES and KCDOT.

This offsite walkway improvement may require concrete curb/gutter and sidewalk in areas where insufficient R/W exists. Precise details of the walkway design shall be included with the engineering plans.

- d. Road A, F and G shall be improved at a minimum to the urban Subcollector road standard.
- e. Roads B, C, D loop, and the easterly stub extension of Road F (adjacent to Lot 22) shall be improved at a minimum to the urban Subaccess road standard.
- f. Road E shall be improved at a minimum to the minor access road standard.
- g. Tracts A, and G shall be improved to the joint use driveway standard per Section 3.01 of the KCRS. These Tracts shall be owned and maintained by the Lot owners served.
- h. Tract F shall be improved to the private access tract standard per Section 2.09 of the KCRS. This tract shall be owned and maintained by the Lot owners served.
- i. A paved pedestrian walkway is required in Tract D between Road A and Road D.
- j. Modifications to the above road conditions may be considered in accordance with the variance provisions in section 1.08 of the King County Road Standards (KCRS).
- k. At the sale of each dwelling unit in the Project, the owner/builder/developer shall offer to the individual unit purchaser a single one-month Metro bus pass. This pass shall be provided free of charge upon request if requested during the first year of occupancy.

1. Transit and rideshare information shall be distributed at the time of closing to the initial purchaser of each home in the project.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at the final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. There shall be limited direct vehicular access to or from SE 200th Street from those lots which abut it. Access to lots fronting SE 200th Street shall be provided via joint use driveways between adjoining lots (e.g., for proposed Lots 127 and 128, for proposed Lots 125 and 126, etc.). A note to this effect shall appear on the engineering plans and the final plat.
14. The planter islands (if any) within the cul-de-sacs shall be maintained by the abutting lot owners or homeowners association. This shall be stated on the final plat.
15. The proposed subdivision shall comply with the Sensitive Areas Code as outlined in K.C.C. 21A.24. Permanent survey marking, and signs as specified in K.C.C. 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
16. Preliminary plat review has identified the following specific requirements which apply to this project. All other applicable requirements from K.C.C. 21A.24 shall also be addressed by the applicant.

Wetlands

- a. Class 1 wetland(s) shall have a minimum buffer of 100 feet, measured from the wetland edge.
- b. Class 2 wetland(s) shall have a minimum buffer of 50 feet, measured from the wetland edge.
- c. The wetland(s) and their respective buffers shall be placed in a Sensitive Area Tract (SAT).

- d. Buffer averaging may be proposed, pursuant to K.C.C. 21A.24.320, provided the total amount of the buffer area is not reduced and better resource protection is achieved, subject to review and approval by a DDES Senior Ecologist.
- e. A minimum building setback line of 15 feet shall be required from the edge of the tract.
- f. A 4-foot high split-rail fence and signs shall be located along the outer boundaries of the wetlands (i.e. Sensitive Area Tracts). The fencing and sign details shall be shown on the final engineering plans. Sensitive area signs shall be installed on the fence at 100-foot intervals or as appropriate. The fencing and signs shall be maintained by the abutting lot owners and/or Homeowner's Association as identified on the face of the final plat
- g. A wetland assessment shall be made on the Matinjussi property adjacent to the plat's eastern boundary to determine whether a wetland exists and if so how it should be classified. The western edge of such wetland shall be delineated to the extent necessary to determine the portion of its buffer boundary, if any, that extends onto the Vila Real property. Reconfiguration of the lots lying along the eastern portion of the Vila Real property may be required to accommodate such buffer.
- h. The hydrologic assessment for determining the flows required to maintain the hydrology of the Tract E wetland shall be based on its area and configuration prior to any alterations that occurred beginning in 2002.

Alterations to Streams or Wetlands

- i. If alterations of streams and/or wetlands are approved in conformance with K.C.C. 21A.24, then a detailed plan to mitigate for impacts from that alteration will be required to be reviewed and approved along with the plat engineering plans. A performance bond or other financial guarantee will be required at the time of plan approval to guarantee that the mitigation measures are installed according to the plan. Once the mitigation work is completed to a DDES Senior Ecologist's satisfaction, the performance bond may be replaced by a maintenance bond for the remainder of the five-year monitoring period to guarantee the success of the mitigation. The applicant shall be responsible for the installation, maintenance and monitoring of any approved mitigation. The mitigation plan must be installed prior to final inspection of the plat.
- j. The following note shall be shown on the final engineering plan and recorded plat:

RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE AREAS AND BUFFERS

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of

Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

17. Suitable recreation space shall be provided consistent with the requirements of K.C.C. 21A.14.180 and K.C.C. 21A. 14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.
 - b. Approval of Tract D recreation facility plans shall require the placement of benches for passive recreational use. The removal of invasive plants within the wetland buffer adjacent to Tract D and their replacement with native vegetation plantings shall be required to the extent permitted by KCC 21A.24. Only the width of the trail in any seating area within Tract D will be counted toward the recreation area requirements. For any portion of the trail that falls within the wetland buffer, the width of the wetland buffer will be expanded and additional mitigation may be required. Such provisions will be evaluated during engineering plan review.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
18. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
19. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the county has adopted a maintenance

program. Ownership and maintenance shall be noted on the face of the final recorded plat.

- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at (206) 684-1622 to determine if perimeter roads are on a bus route. If so, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current county fees.

- 20. To implement K.C.C. 21A.38.230 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of K.C.C. 21A.38.230. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d.(2).

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with K.C.C. 21A.38.230.B.6. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

- 21.
 - a. If additional archeological deposits are encountered during construction on the project site or in off-site staging areas, work in the immediate area must cease until evaluated by a professional archeologist. If significant archeological resources are encountered, King County Historic Preservation Program, the Washington Department of Archeology and Historic Preservation and concerned Tribes shall be notified and consulted immediately.
 - b. The applicant shall ensure that a professional archaeologist determines the origin and approximate age of the bone(s) found in an open pit on the project site prior to engineering plan approval. If the bones appear to be of human origin or have archaeological significance, the archaeologist shall inform the King County Sheriff and/or County Medical Examiner, the Washington Department of Archaeology and Historic Preservation, the King County Historic Preservation Program and concerned

Indian tribes, as appropriate, and ensure that the bones and related materials are treated appropriately. A letter report detailing the archaeologist's findings and treatment of the bone(s) shall be provided to the Washington Department of Archaeology and Historic Preservation and the King County Historic Preservation Program.

22. The applicant shall pay a pro-rata contribution of \$7,764.00 to WSDOT for improvements to correct the HARC on SR 515 between Southeast 176th Street and Southeast 182nd Street (per March 8, 2005 WSDOT letter). This shall be paid prior to final recording.
23. Site development shall be phased to maximize construction access via Southeast 200th Street, as described within a construction traffic management plan submitted to and approved by DDES prior to final engineering plan approval.
24. Prior to engineering plan approval the applicant shall identify the location of any Panther Lake Water System water lines that cross the property. If no easement presently exists for their protection, a utility easement shall be dedicated and shown on the final plat, as approved by DDES.

ORDERED this 8th day of September, 2005.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 8th day of September, 2005, to the following parties and interested persons of record:

Rita Bailie	Donald E. Barkus	George Billings
Ollie Burton	Jason Cooper	Rebecca Cushman
Dean Farver	Bill Finkbeiner	Dorothy C. Hoppes
Donald & Tony Ihry	Kevin Jones	Jim Kelley
Andy Kindig	King County Fire Protection District	Colin Lund
Gary & Cheryl Lundgren	Michael Manderville	Robert & Valarie Matinjussi
Bill & Candi McKay	Susan Newcombe	Tom Riley
Brian Ross	Jane Scootley	Seattle KC Health Dept.
Thomas & Jeannine Strom	Triad Associates	Sandra Vannice
Marci Wainhouse	Albert & Lynda Weatherford	Bernice E. Whitney
Susan Wilkins	Richard Wilson	Gregg Zimmerman
Kim Claussen	Lisa Dinsmore	Julie Koler
Kris Langley	Kate Rhoads	Carol Rogers
Jon Sloan	Charlie Sundberg	Steve Townsend
Larry West	Bruce Whittaker	

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) ***on or before September 22, 2005***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before September 29, 2005***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JUNE 9 AUGUST 23, AND AUGUST 25, 2005, PUBLIC HEARING ON
DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L04P0009.

James N. O'Connor was the Hearing Examiner in this matter on June 9, 2005, Peter T. Donahue was the Hearing Examiner on August 23, 2005 and Stafford L. Smith was the Hearing Examiner on August 25, 2005. Participating in the hearing were Kim Claussen, Kristen Langley, Bruce Whittaker, Jon Sloan, Charlie Sundberg, Kate Rhoads and Julie Koler, representing the Department; Richard R. Wilson and Colin Lund representing the Applicant; Robert and Valarie Matinjussi, Tony Ihry, Jeannine and Thomas Strom, George Billings, James Schmidt, Sandra Vannice, Rita Bailie, Jim Kelley, Jason Cooper, Susan Wilkins, Ollie J. Burton, Rebecca Cushman, Kevin Jones and Andy Kindig.

The following Exhibits were offered and entered into the record on June 9, 2005:

- Exhibit No. 1 DDES Files No. L04P0009
- Exhibit No. 2 DDES Preliminary Report dated June 9, 2005
- Exhibit No. 3 Application dated July 1, 2004
- Exhibit No. 4 Environmental Checklist received July 1, 2004
- Exhibit No. 5 Declaration of Non-significance dated May 6, 2005
- Exhibit No. 6 Affidavit of Posting indicating August 5, 2004 as date of posting and August 9, 2004 as the date the affidavit was received by DDES. *Notice of Application*
- Exhibit No. 7 Plat Map received March 2, 2005 (Revision)
- Exhibit No. 8 Assessors Map – NE 5-22-5 & SE 5-22-05
- Exhibit No. 9 Grading & Utilities Plan/Conceptual Drainage received March 2, 2005
- Exhibit No. 10 Level 1 and Level 3 Drainage Analysis (Revision) by Triad dated November 12, 2004
- Exhibit No. 11 SWDM variance – File No. L04V0095
- Exhibit No. 12 Wetland Report by NW Biological Consultants dated November 10, 2004
- Exhibit No. 13 Traffic Study by Transpo dated August 2004
- Exhibit No. 14 Conceptual Frontage Plan by Triad received November 2004
- Exhibit No. 15 Pedestrian Walkway Map by Triad, annotated by Kris Langley
- Exhibit No. 16 Pedestrian Walkway Map by Triad received March 2, 2005
- Exhibit No. 17 Wetland Inventory by NW Biological Consultants dated June 17, 2004
- Exhibit No. 18 Preliminary Geotechnical Report by Terra dated October 21, 2002
- Exhibit No. 19 Wildlife Study by NW Biological Consultants dated December 31, 2004
- Exhibit No. 20 WSDOT letter dated March 8, 2005
- Exhibit No. 21 Fire District 37 Agreement received May 25, 2005
- Exhibit No. 22 Matinjussi letter with photos received June 3, 2005
- Exhibit No. 23 Email and letter from Richard Wilson received June 6, 2005
- Exhibit No. 24 Memo from Julie Koler/King County Historic Preservation dated June 8, 2005
- Exhibit No. 25 Photographs of possible historic buildings presented by Julie Koler

The following Exhibits were offered and entered into the record on August 25, 2005:

- Exhibit No. 26 Letter from Toni Ihry dated August 18, 2005
- Exhibit No. 27 Aerial of proposed with red markings done by Robert Matinjussi
- Exhibit No. 28 Letter along with photos, maps and other documents from Panther Lake Community Stewards dated August 21, 2005
- Exhibit No. 29 Jeannine Strom's packet of information
- Exhibit No. 30 Letter from Candi and William McKay with attachments dated August 25, 2005
- Exhibit No. 31 Letter from Greg Wingard of Middle Green River Coalition dated August 22, 2005
- Exhibit No. 32 Letter from Rita Bailie
- Exhibit No. 33 Resume of James C. Kelley
- Exhibit No. 34 Letter from Jim Kelley on the results of wetland evaluation and bald eagle nest search dated August 24, 2005
- Exhibit No. 35 Cultural Resources Assessment prepared by Jason Cooper of Jones & Stokes dated July 2005
- Exhibit No. 36 Memo from Julie Koler, Historic Preservation Officer dated August 3, 2005
- Exhibit No. 37 Addendum staff report dated August 23, 2005
- Exhibit No. 38 Road A segment volume by Transpo
- Exhibit No. 39 Memo to Joe Miles from Matthew Nolan, Road Services Division dated August 22, 2005
- Exhibit No. 40 Revised Recommendations dated August 23, 2005
- Exhibit No. 41 New condition on pro-rata contribution to WSDOT dated August 25, 2005
- Exhibit No. 42 Letter with two photographs of test pits from Robert Matinjussi dated August 21, 2005
- Exhibit No. 43 Letter from Thomas Strom with eight photographs dated August 11, 2005
- Exhibit No. 44 Letter from Susan Wilkins with a chart on daily rainfall, map of basin area and KCRTS conditions summary
- Exhibit No. 45 Letter from George and Kathy Billings dated August 23, 2005
- Exhibit No. 46 Two letters, one from Heidi Strom and one from Jeannine Strom with fourteen photographs
- Exhibit No. 47 Letter from Ollie and Donna Burton with a sketch of Panther Lake Garden Tracts, seventeen photographs, Report and Decision on Panther Meadows, File L99P3016 dated April, 8, 2002 and Notice of Remand on Panther Meadows, File L99P3016 dated July 12, 2002
- Exhibit No. 48 Letter from Sandra Vannice with map dated August 21, 2005
- Exhibit No. 49 Letter from Dave and Marci Wainhouse
- Exhibit No. 50 Letter from Cheryl L. Lundgren dated August 19, 2005
- Exhibit No. 51 Letter from Robert Matinjussi for Panther Lake Community Stewards dated August 24, 2005 with existing tree data and location of beech and birch trees; letter from Panther Lake Community Stewards dated August 22, 2005; Permit No. L03CG005 on the restoration of wetland and/or buffer due to unpermitted clearing and grading with a wetland inventory; letter from Panther Lake Community Stewards on potential Vila Real traffic impact dated August 22, 2005
- Exhibit No. 52 Letter from Valarie Matinjussi for Panther Lake Community Stewards dated August 21, 2005 with 7 photographs; letter from Valarie Matinjussi for Panther Lake Community Stewards dated August 24, 2005
- Exhibit No. 53 Letter from Dan Streiffert, Chair, South King County Group Sierra Club dated August 25, 2005
- Exhibit No. 54 Letter from Michael D. Manderville
- Exhibit No. 55 Letter from Fred Kirchow dated August 16, 2005
- Exhibit No. 56 Letter from Dean and Marcia Farver with one photograph dated August 11, 2005
- Exhibit No. 57 Letter from Lynda Weatherford dated August 19, 2005
- Exhibit No. 58 Letter from Loring Lamb dated August 21, 2005
- Exhibit No. 59 Letter from Bartholda Manderville dated August 14, 2005

- Exhibit No. 60 Letter from George Billings dated June 17, 2005
- Exhibit No. 61 Letter and excerpts from the Growth Management Act
- Exhibit No. 62 Flyer from Robert and Valarie Matinjussi; newspaper article on release of a bald eagle; newspaper article on spear point being found; newspaper article on discovery of artifacts; newspaper article of ancient history being found

The following Exhibits were offered and entered into the record on August 26, 2005:

- Exhibit No. 63 Copy of an artifact authentication from Western Typology given to Robert Matinjussi certifying the spear point found
- Exhibit No. 64 Additional Recommendations concerning archaeology/cultural resources and drainage
- Exhibit No. 65 Resume of Rebecca S. Cushman
- Exhibit No. 66 Map showing basins A, B, C & D of Vila Real
- Exhibit No. 67 Resume of Kevin L. Jones
- Exhibit No. 68 Resume of Andrew C. Kindig
- Exhibit No. 69 King County Lake Water Quality Trend Report on King County Small Lakes, dated November 2001
- Exhibit No. 70 Illustrative Recreation Site Plan
- Exhibit No. 71 Article from the King County Journal web site on bald eagle returned to the wild dated August 6, 2005
- Exhibit No. 72 Article from the Seattle Audubon Society web site on bald eagles
- Exhibit No. 73 Report on Skagit River Bald Eagles from WA Department of Fish and Wildlife dated August 1998

SLS:gao
L04P0009 RPT